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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/751,632  | 01/06/2004  | Teruo Tohma          | Q79254              | 3216             |
| 23373   | 7590        | 09/01/2005           | EXAMINER            |                  |
| SUGHRUE MION, PLLC<br>2100 PENNSYLVANIA AVENUE, N.W.<br>SUITE 800<br>WASHINGTON, DC 20037 |             |                      | WON, BUMSUK         |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2879                |                  |

DATE MAILED: 09/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/751,632             | TOHMA ET AL.        |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Bumsuk Won             | 2879                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 1/6/2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/6/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Priority*

1. Acknowledgment is made of applicant's claim for foreign priority under 35

U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No.

10/751632, filed on 1/6/2004.

### *Specification*

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Organic electroluminescent device having passivation film and color filter and method for producing the same.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent

granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 6-11, and 14-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Eida (US 2003/0071567).

Regarding claims 1-3, 7-11, and 15, Eida discloses an organic EL device comprising: a substrate (note figure 2, item 10); a lower electrode (note figure 2, item 22); an upper electrode (note figure 2, item 20); an organic light emitting functional layer (note figure 2, item 24) provided between the lower and upper electrodes and containing at least a light emitting layer (note paragraphs 0101-0108); a transparent (note paragraph 0035) passivation film (note figure 2, item 16) for sealing the lower and upper electrodes and the organic light emitting functional layer; and a color filter (note figure 2, item 60) provided above the passivation film (note figure 2, item 16); a thin film transistor (note figure 2, item 14) formed above the substrate (note figure 2, item 10), wherein the color filter is laminated above the passivation film (note paragraph 0043),

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wherein the organic light emitting functional layer (note figure 2, item 24) is provided above the thin film transistor (note figure 2, item 14).

Regarding claims 6 and 14, Eida discloses the passivation film is formed as a film (note paragraph 0166).

*Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eida (US 2003/0071567) in view of Okibayash (US 5,859,732).

Regarding claims 4 and 12, Eida discloses all of the claimed limitations except for the color filter is formed as a film on the passivation film.

Okibayash discloses the color filter (note figure 1, item 8) is formed as a film on the passivation film (note figure 1, item 7), for the purpose of having stable film formation and enhanced adhesion (note column 4, lines 14-34, and figure 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the color filter being formed as a film on the passivation film disclosed by Okibayash in the organic EL device disclosed by Eida, for the purpose of having stable film formation and enhanced adhesion.

7. Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eida (US 2003/0071567) in view of Yamazaki (US 6,849,877).

Regarding claims 5 and 13, Eida discloses all of the claimed limitations except for the passivation film comprising a laminate of a plurality of sealing layers.

Yamazaki discloses the passivation film comprising a laminate of a plurality of sealing layers (note column 5, lines 33-36), for the purpose of effectively preventing moisture of oxygen from penetrating into the organic light emitting layer (note abstract, lines 10-14).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the passivation film comprising a laminate of a plurality of sealing layers disclosed by Yamazaki in the organic EL device disclosed by Eida, for the purpose of effectively preventing moisture of oxygen from penetrating into the organic light emitting layer.

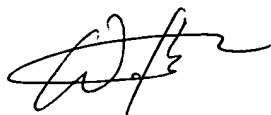
*Contact information*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bumsuk Won whose telephone number is 571-272-2713. The examiner can normally be reached on Monday through Friday, 8:00 am to 5:00 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar Patel can be reached on 571-272-2457. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Bumsuk Won  
Patent Examiner

  
**JOSEPH WILLIAMS**  
**PRIMARY EXAMINER**